EXHIBIT D

Begin forwarded message:

From: "Figlio, David" <David.Figlio@rochester.edu>
Date: February 13, 2024 at 8:53:59 AM EST
To: "Dewhurst, Stephen" <Stephen_Dewhurst@urmc.rochester.edu>
Subject: Re: Time sensitive: Ranga Dias review

Dear Steve,

Thank you for your thorough and thoughtful response regarding Dr. Dias's allegations of panelist conflicts. I appreciate the care with which you handled this case.

All the best,
David

David Figlio (he/him)
Provost and Gordon Fyfe Professor of Economics and Education
University of Rochester

From: Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>
Sent: Tuesday, February 13, 2024 7:07 AM

To: Figlio, David <David.Figlio@Rochester.edu>
Cc: Dewhurst, Stephen <Stephen_Dewhurst@URMC.Rochester.edu>
Subject: Re: Time sensitive: Ranga Dias review

Dear David,

Thank you for your note regarding Dr. Dias's ("Respondent's") reported concerns about possible conflicts of interest, as set forth in Respondent's letter to the National Science Foundation ("NSF") dated September 8, 2023 and Respondent's response dated January 30, 2024 to the draft investigation report (the "Report Response").

Below please find a summary of the University's review of, and previous responses to, these expressed concerns, and attached is relevant correspondence between me and Respondent. Note that this information will be summarized in a separate memorandum from the University to the funder of the research in question, NSF, on which you will be copied. The memorandum will be provided to NSF as part of this matter's dossier, but also because Respondent had directed his concerns to NSF as well as to the University.

To summarize: As you know, the University received an investigation referral letter from NSF on March 16, 2023. Subsequently, between March 2023 and April 2023, I began trying to put together an investigation committee with appropriate expertise in this somewhat arcane area of science. Despite the small number of qualified scientists who had significant expertise in this area, I believed that it was important to appoint Committee members from outside the University, in order to avoid again appointing the few intra-University faculty with expertise in this area, all of whom had already participated in earlier inquiries relating to data integrity concerns in Respondent's work. I did not believe that the University had three non-conflicted faculty members who would have the necessary scientific credentials to conduct the investigation and who had not been involved in previous related proceedings.

I began reaching out to potential investigation committee members, including the members ultimately seated—namely, Peter Celliers, Ph.D., Staff Scientist at Lawrence Livermore National Laboratory ("LLNL"), Marcus Knudson, Ph.D., Senior Scientist at Sandia National Laboratories, and Marius Millot, Ph.D., Senior Scientist at LLNL. In my email to each then-potential Committee member, I asked each individual whether he had "a current or previous personal or professional relationship with Dr. Dias that could be considered a conflict of interest. The same consideration also applies to each of the coauthors on the two scientific publications which form the primary focus of this investigation. . . . In making this determination potential COI, . . . please consult NSF Form 1230P, Conflicts-of-Interests and Confidentiality Statement for NSF Panelists for guidance."

Each Committee member confirmed his ability and willingness to serve and represented his ability and willingness to carry out the investigation with objectivity. Each person gave to me, in writing and verbally, a detailed account of his past interactions with Respondent and others involved in the research at issue. Based on the Committee's responses, I did not identify any actual or potential conflicts of interest with Respondent or others involved in the research at issue that would reasonably have been regarded as causing any of these individuals to be unable to review fairly the allegations of research misconduct. The Committee formally convened and held its first meeting on May 16, 2023 and proceeded with its investigation. I

emphasize that we took great care to appoint these three external Committee members specifically to avoid perceived and real conflicts of interest.

Approximately four months into the investigation proceedings and just after Respondent had learned that certain of his co-authors would be requesting retraction of the 2023 *Nature* paper, Respondent for the first time, in September 2023, raised specific concerns regarding the Committee's composition and alleged conflicts of interest of its members in his letter to NSF. After the University received the Respondent's letter to NSF, I and University counsel met with each Committee member separately to discuss each of Respondent's concerns, and I was satisfied that those concerns of Respondent lacked merit. Please also note that at Section II.B (page 7), the Committee's final investigation report expressly references the members' engagement in these discussions.

At that time, I and University counsel informed the Committee members that the University would be preparing a memorandum to NSF (as NSF had requested) to address Respondent's conflicts-related concerns, and directed the Committee to continue to focus its attention on its review of the specific allegations regarding Respondent's scientific work, given that such conflicts issues are for the University's review and resolution, not the Committee's.

On October 14, 2023, Respondent sent a letter to me, attaching to it his previous letter to NSF, requesting that I "consider convening an alternative neutral and independent committee, on that is devoid of any professional or personal conflicts of interest." After reviewing Respondent's concerns, I responded to Respondent via email on October 25, 2023, stating the University's concerns with the tardiness of Respondent's objections and with his having raised them only after he had learned of his co-authors' attempts to retract a paper central to this proceeding. I outlined the University's review of and conclusions regarding those objections—specifically, that the University had confidence in the Committee and the care it had taken, that the Committee would not be reconstituted and that it would continue on to complete its charge. On October 28, 2023, Respondent again wrote to me to express his concern, and on November 5, 2023, I again wrote to reiterate the University's prior responses.

Later, on January 30, 2024, Respondent provided the Report Responses, and again raised conflicts-related concerns regarding the Committee's members. Respondent's concerns about possible conflicts of interest as set forth in the Report Response overlap with and restate those raised in Respondent's letter to NSF, and therefore, in my judgment as RIO, do not require additional analysis by the University.

Please let me know if you have any additional questions or if helpful to discuss. Again, I will ensure that you are copied on the memorandum that is to be sent to NSF in tandem with the Committee's report and your own determinations.

Respectfully,

Steve

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Steve Dewhurst

He/him/his
Vice President for Research
Vice Dean for Research, School of Medicine & Dentistry
University of Rochester
Cell: (585) 797 7840 stephen_dewhurst@urmc.rochester.edu

On Feb 12, 2024, at 2:57 PM, Figlio, David <David.Figlio@rochester.edu> wrote:

Dear Steve,

I am writing to you in your role as the University's Research Integrity Officer in connection with the allegations of research misconduct against Dr. Ranga Dias.

I have completed a thorough review of the final report and recommendations of the Research Misconduct Investigation Committee as well as Dr. Dias's response. With respect to Dr. Dias's noted concerns about a conflict of interest, would you please provide me with an explanation of the University's response to that concern?

Thanks,
David

David Figlio (he/him)
Provost and Gordon Fyfe Professor of Economics and Education
University of Rochester